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September 2004

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In re Application of:  
Ivailo E. Stanimirov et al.  
Serial No.: 10/031,592  
Filed: January 23, 2002  
Attorney Docket No.: E4355.0002/P002

DECISION ON PETITION

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182" filed on October 17, 2003. Petitioner requests that the Notice of Allowance and the Examiner's Amendment attached thereto in the above-identified application be vacated and the application be returned to the examiner for further action

The petition is being treated as a petition under 37 C.F.R. § 1.181(a). There is no fee for this petition. As such, the \$130.00 petition fee already paid via credit card will be refunded to Deposit Account No. 50-2215 as authorized in the paper filed on August 29, 2003.

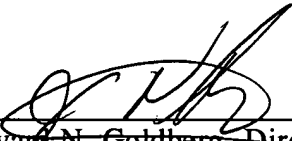
The petition is **GRANTED**.

A Notice of Allowability and a Notice of Allowance and Fee(s) Due (hereinafter "Notices") were mailed on September 24, 2003. The Examiner's Amendment mailed with the "Notices" cancelled claim 1 and indicated that authorization for the Examiner's Amendment was given by petitioner in a telephone interview that took place on September 22, 2003.

Petitioner asserts that: (1) he received an initial telephone call from the examiner on September 15, 2003 suggesting the cancellation of claim 1 to put the application in condition for allowance; (2) during the initial telephone call, the examiner was advised that petitioner would consult with the applicant and advise the examiner of applicant's decision; and (3) during the telephone call of September 22, 2003, the examiner was advised that applicant did not agree to the cancellation of claim 1.

It is clear that a misunderstanding took place between the examiner and the petitioner during the telephone call of September 22, 2003. Thus, the application will be withdrawn from issue,

and the "Notices" as well as the Examiner's Amendment will be vacated. Accordingly, claim 1 will be reinstated and the examiner will be directed to prepare an Office action based upon claims 1-8 and 10.



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